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SENATE BILL 591

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Cisco McSorley

AN ACT

RELATING TO IGNITION INTERLOCKS; REQUIRING CONFIDENTIALITY IN
THE ADMINISTRATION OF THE IGNITION INTERLOCK LICENSING ACT AND
THE INTERLOCK DEVICE FUND; ALLOWING THE PAROLE BOARD AND
PROBATION AND PAROLE OFFICERS TO DETERMINE INDIGENCY FOR
PURPOSES OF ASSISTANCE FROM THE FUND.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-2-7.1 NMSA 1978 (being Laws 1995,
Chapter 135, Section 4, as amended) is amended to read:

"66-2-7.1. MOTOR VEHICLE-RELATED RECORDS--
CONFIDENTIAL.--

A. It is unlawful for any department or bureau
employee or contractor or for any former department or bureau
employee or contractor to disclose to any person other than
another employee of the department or bureau any personal

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1 information about an individual obtained by the department or
2 bureau in connection with a driver's license or permit, the
3 titling or registration of a vehicle, the administration of the
4 Ignition Interlock Licensing Act and the interlock device fund
5 or an identification card issued by the department pursuant to
6 the Motor Vehicle Code except:

7 (1) to the individual or the individual's
8 authorized representative;

9 (2) for use by any governmental agency,
10 including any court, in carrying out its functions or by any
11 private person acting on behalf of the government;

12 (3) for use in connection with matters of
13 motor vehicle and driver safety or theft; motor vehicle
14 emissions; performance monitoring of motor vehicles, motor
15 vehicle parts and dealers; motor vehicle market research
16 activities, including survey research; motor vehicle production
17 alterations, recalls or advisories; and removal of non-owner
18 records from original owner records of motor vehicle
19 manufacturers;

20 (4) for use in research activities and for use
21 in producing statistical reports, so long as the personal
22 information is not published, redisclosed or used to contact
23 individuals;

24 (5) for use by any insurer or insurance
25 support organization or by a self-insured entity or its agents,

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1 employees or contractors in connection with claims
2 investigation activities, antifraud activities, rating or
3 underwriting;

4 (6) for providing notice to owners of towed or
5 impounded vehicles;

6 (7) for use by an employer or its agent or
7 insurer in obtaining or verifying information relating to a
8 holder of a commercial driver's license;

9 (8) for use by any requester if the requester
10 demonstrates that it has obtained the written consent of the
11 individual to whom the information pertains;

12 (9) for use by an insured state-chartered or
13 federally chartered credit union; an insured state or national
14 bank; an insured state or federal savings and loan association;
15 or an insured savings bank, but only:

16 (a) to verify the accuracy of personal
17 information submitted by an individual to the credit union,
18 bank, savings and loan association or savings bank; and

19 (b) if the information as submitted is
20 not correct or is no longer correct, to obtain the correct
21 information, but only for the purpose of preventing fraud by
22 pursuing legal remedies against or recovering on a debt or
23 security interest from the individual;

24 (10) for providing organ donor information as
25 provided in the Uniform Anatomical Gift Act or Section 66-5-10

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1 NMSA 1978; or

2 (11) for providing the names and addresses of
3 all lienholders and owners of record of abandoned vehicles to
4 storage facilities or wrecker yards for the purpose of
5 providing notice as required in Section 66-3-121 NMSA 1978.

6 B. Any person who violates the provisions of this
7 section is guilty of a misdemeanor and upon conviction shall be
8 sentenced in accordance with the provisions of Section 31-19-1
9 NMSA 1978."

10 Section 2. Section 66-8-102.3 NMSA 1978 (being Laws 2002,
11 Chapter 82, Section 2, as amended) is amended to read:

12 "66-8-102.3. IMPOSING A FEE--~~[CREATING A]~~ INTERLOCK
13 DEVICE FUND CREATED.--

14 A. A fee is imposed on a person convicted of
15 driving while under the influence of intoxicating liquor or
16 drugs pursuant to Section 66-8-102 NMSA 1978 or adjudicated as
17 a delinquent on the basis of Subparagraph (a) of Paragraph (1)
18 of Subsection A of Section 32A-2-3 NMSA 1978 or a person whose
19 driver's license is revoked pursuant to the provisions of the
20 Implied Consent Act, in an amount determined by rule of the
21 traffic safety bureau of the department of transportation not
22 to exceed one hundred dollars (\$100) but not less than fifty
23 dollars (\$50.00) for each year the person is required to
24 operate only vehicles equipped with an ignition interlock
25 device in order to ensure the solvency of the interlock device

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1 fund. The fee shall not be imposed on an indigent person. The
2 fee imposed by this subsection shall be collected by the vendor
3 who provides an ignition interlock device to the person. The
4 vendor shall remit the fees collected on a quarterly basis to
5 the traffic safety bureau of the department of transportation.

6 B. The "interlock device fund" is created in the
7 state treasury. The fee imposed pursuant to Subsection A of
8 this section shall be distributed to the fund by the traffic
9 safety bureau of the department of transportation.

10 C. All money in the interlock device fund is
11 appropriated to the traffic safety bureau of the department of
12 transportation to cover the costs of installing and removing
13 and one-half of the cost of leasing ignition interlock devices
14 for indigent people who are required, pursuant to convictions
15 under Section 66-8-102 NMSA 1978 or adjudications on the basis
16 of Subparagraph (a) of Paragraph (1) of Subsection A of Section
17 32A-2-3 NMSA 1978 or driver's license revocations pursuant to
18 the provisions of the Implied Consent Act, to install those
19 devices in their vehicles. Indigency shall be determined by
20 the ~~[sentencing]~~ court, the parole board or a probation and
21 parole officer.

22 D. Any balance remaining in the interlock device
23 fund shall not revert to the general fund at the end of any
24 fiscal year.

25 E. The interlock device fund shall be administered

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1 by the traffic safety bureau of the department of
2 transportation. No more than five percent of the money in the
3 interlock device fund in any fiscal year shall be expended by
4 the traffic safety bureau of the department of transportation
5 for the purpose of administering the fund."

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